

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TODD KREISLER

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

12 Civ. 4052 (PAE) ()

- against -

KAIS ABID d/b/a PAPA JOHN'S, PARKER EAST 24th APARTMENTS, LLC,

a New York limited liability company and 305 EAST OWNERS CORP.,

a New York corporation

**MOTION FOR AN EXTENSION
OF TIME TO FILE A NOTICE
OF APPEAL**

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

Pursuant to Rule 4(a) (5) of the Federal Rules of Appellate Procedure, KAIS ABID d/b/a PAPA JOHN'S
(party)

respectfully requests leave to file the within notice of appeal out of time. KAIS ABID d/b/a PAPA JOHN'S
(party)

desires to appeal the judgment in this action entered on December 11, 2012, but failed to
(date)

file a notice of appeal within the required number of days because: (Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.)

Since December I have been suffering from Pneumonia resulting in extended office absences. My paralegal charged with checking Pacer failed to do so and has been asked to leave. This of course is my responsibility and I have engaged Barak Cardenas, Esq., admitted to the Southern District in 2008 to serve as co-counsel and review all files. He has found missed deadline with regard to this Order. I apologize to the court and request that my client not be penalized for my illness.

DATED: January 17, 2013

Barry N. Frank, Esq.

Signature

440 West Street, 3rd Floor

Address

Fort Lee, New Jersey 07024

City, State & Zip Code

(201) 461 - 2500

Telephone Number

NOTE: You may use this form, together with a copy of the Notice of Appeal, if you are seeking to appeal a judgment and did not file a copy of the Notice of Appeal within the required time. If you follow this procedure, these forms must be received in the Pro Se Office no later than sixty (60) days from the date on which the judgment was entered, or ninety (90) days if the United States or an officer or agency of the United States is a party.